

AMENDED IN SENATE JUNE 19, 2003
AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY JANUARY 29, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 23

Introduced by Assembly Member Nation

December 2, 2002

An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, Nation. Breast cancer.

Existing law establishes the Office of Women's Health within the State Department of Health Services. The functions of the office include, among others, to communicate and disseminate information and perform a liaison function within the department and to providers of health, social, educational, and support services to women.

Existing law also provides for various programs related to the prevention and treatment of breast cancer.

This bill would create the Mammography Patient Best Principles, ~~to include~~ *that includes* prescribed expectations ~~and rights~~ of mammography patients.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The United States Congress enacted the Mammography
4 Quality Standards Act of 1992 and subsequent legislation to
5 ensure that all women have access to quality mammography for
6 the detection of breast cancer in its earliest, most treatable stages.

7 (b) It is the policy of the State of California to ensure
8 compliance and enforcement of the Mammography Quality
9 Standards Act of 1992, the Mammography Quality Standards
10 Reauthorization Act of 1998, and the federal Food and Drug
11 Administrations FDA's Mammography Quality Assurance
12 Program, as an avenue to reduce the morbidity and mortality
13 associated with breast cancer.

14 (c) While advances have been made in the treatment of breast
15 cancer, these advances are enhanced with early detection of breast
16 cancer. Early detection combined with improvements in treatment
17 has led to a 25 percent drop in the rate of death from breast cancer
18 in the state. Early detection is more likely when multiple methods,
19 including mammography, but also self-examination and clinical
20 breast ~~examinations~~ *examinations*, are used.

21 (d) Health care providers are encouraged to provide the
22 Mammography Patient Best Principles to their patients.

23 (e) The collaborative nature of health care requires that patients
24 participate in their care.

25 SEC. 2. Section 139 is added to the Health and Safety Code,
26 to read:

27 139. (a) This section shall be known and referred to as the
28 Mammography Patient Best Principles.

29 (b) A patient should expect considerate and respectful care in
30 a safe environment.

31 (c) A patient should expect privacy in accordance with the
32 federal Health Insurance Portability and Accountability Act of
33 1996 and applicable state law. Mammography consultation,
34 procedures, and discussions should be conducted to protect patient
35 privacy. A patient ~~has a right to~~ *should* expect that her health care
36 provider will treat all communications and records pertaining to
37 her care confidentially, except as otherwise required or permitted
38 by law.

1 (d) A patient should expect to have a health care provider
2 explain that mammograms are not a treatment, but a diagnostic
3 tool that may detect cancer already developed in breast tissue. A
4 patient should expect to decide, in consultation with her health care
5 provider, whether to have a mammogram.

6 (e) A patient may request relevant, current, and understandable
7 information about mammography from her health care provider.
8 A patient may discuss available information related to
9 mammography, the risks involved, and any medically reasonable
10 alternatives to existing procedures, along with the accompanying
11 risks and benefits. A patient may request educational materials on
12 breast cancer risk factors, including, but not limited to, breast
13 self-examinations, mammography, and recommended timing of
14 mammograms.

15 (f) A patient may request the identity of the health care
16 providers involved in her care. A patient may confirm that a
17 qualified radiologist read her mammogram.

18 (g) A patient may discuss any radiation concerns with a health
19 care provider or technician.

20 (h) A patient may examine and obtain a copy of her medical
21 records, including, but not limited to, mammography results, in
22 accordance with state and federal law.

23 (i) A patient ~~has a right to~~ may request the name, and contact
24 information for, the state agencies responsible for overseeing
25 public health issues if she wishes to make a complaint. A patient
26 ~~has a right to~~ may request be informed of available resources for
27 resolving disputes, grievances, and conflicts.

